

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN BAX,
Petitioner,
v.
HELEN J. MARBERRY,
Warden,
Respondent.

Civil Action No. 07-348 Erie

}

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on December 13, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on March, 17, 2010 [15], recommends that the petition for writ of habeas corpus be dismissed with prejudice. The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at FCI McKean, where he is incarcerated, and on Respondent. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of April, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED with prejudice.

The Report and Recommendation of Magistrate Judge Baxter, filed on March 17, 2010 [15], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
Sean J. McLaughlin
United States District Judge

cm: All parties of record
U.S. Magistrate Judge Baxter